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Question of Palestine

Bahrain, Bolivia (Plurinational State of), Cuba, Djibouti, Gambia, Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Mauritania, Morocco, Oman, Senegal, Tunisia, United Arab Emirates, Yemen and State of Palestine: draft resolution

Peaceful settlement of the question of Palestine

The General Assembly,

Recalling its relevant resolutions, including those adopted at its tenth emergency special session,

Recalling also its resolution 58/292 of 6 May 2004,

Recalling further relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003, 1544 (2004) of 19 May 2004, 1850 (2008) of 16 December 2008 and 2334 (2016) of 23 December 2016,

Recalling the affirmation by the Security Council of the vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Expressing deep concern that it has been over 70 years since the adoption of its resolution 181 (II) of 29 November 1947 and 51 years since the occupation of Palestinian territory, including East Jerusalem, in 1967, and that a just, lasting and comprehensive solution to the question of Palestine has yet to be achieved,

Having considered the report of the Secretary-General submitted pursuant to the request made in its resolution 72/14 of 30 November 2017,[1]

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until the question is resolved in all its aspects in accordance with international law and relevant resolutions,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the

[1] A/73/346-S/2018/597.

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Occupied Palestinian Territory,[2] and recalling also its resolutions ES-10/15 of 20 July 2004 and ES-10/17 of 15 December 2006,

Convinced that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive and lasting peace and stability in the Middle East,

Stressing that the principle of equal rights and self-determination of peoples is among the purposes and principles enshrined in the Charter of the United Nations,

Reaffirming the principle of the inadmissibility of the acquisition of territory by war,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[3] to the Occupied Palestinian Territory, including East Jerusalem,

Recalling its resolution 2625 (XXV) of 24 October 1970, and reiterating the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the level of their development,

Bearing in mind its resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in particular Sustainable Development Goal 16,

Stressing the urgent need for efforts to reverse the negative trends on the ground and to restore a political horizon for advancing and accelerating meaningful negotiations aimed at the achievement of a peace agreement that will bring a complete end to the Israeli occupation that began in 1967 and the resolution of all core final status issues, without exception, leading to a peaceful, just, lasting and comprehensive solution to the question of Palestine,

Reaffirming the illegality of the Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem,

Expressing grave concern about the extremely detrimental impact of Israeli settlement policies, decisions and activities in the Occupied Palestinian Territory, including East Jerusalem, including on the contiguity, integrity and viability of the Territory, the viability of the two-State solution based on the pre-1967 borders and the efforts to advance a peaceful settlement in the Middle East,

Expressing grave concern also about all acts of violence, intimidation and provocation by Israeli settlers against Palestinian civilians, including children, and properties, including homes, mosques, churches and agricultural lands, condemning acts of terror by several extremist Israeli settlers, and calling for accountability for the illegal actions perpetrated in this regard,

Reaffirming the illegality of Israeli actions aimed at changing the status of Jerusalem, including settlement construction and expansion, home demolitions, evictions of Palestinian residents, excavations in and around religious and historic sites, and all other unilateral measures aimed at altering the character, status and demographic composition of the city and of the Territory as a whole, and demanding their immediate cessation,

[2] See A/ES-10/273 and A/ES-10/273/Corr.1.

[3] United Nations, *Treaty Series*, vol. 75, No. 973.

Expressing grave concern about tensions, provocations and incitement regarding the holy places of Jerusalem, including the Haram al-Sharif, and urging restraint and respect for the sanctity of the holy sites by all sides,

Reaffirming that the construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Encouraging all States and international organizations to continue to actively pursue policies to ensure respect for their obligations under international law with regard to all illegal Israeli practices and measures in the Occupied Palestinian Territory, including East Jerusalem, particularly Israeli settlements,

Expressing deep concern about the continuing Israeli policies of closures and severe restrictions on the movement of persons and goods, including medical and humanitarian and economic, via the imposition of prolonged closures and severe economic and movement restrictions that in effect amount to a blockade, as well as of checkpoints and a permit regime throughout the Occupied Palestinian Territory, including East Jerusalem,

Expressing deep concern also about the consequent negative impact of such policies on the contiguity of the Territory and the critical socioeconomic and humanitarian situation of the Palestinian people, which remains a disastrous humanitarian crisis in the Gaza Strip, as well as on the international efforts and the efforts of the Palestinian Government aimed at rehabilitating and developing the damaged Palestinian economy, including reviving the agriculture and productive sectors and, while recalling Security Council resolution 1860 (2009) of 8 January 2009, calling for the full lifting of restrictions on the movement and access of persons and goods, which are crucial for social and economic recovery,

Recalling the mutual recognition 25 years ago between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,[4] and stressing the urgent need for efforts to ensure full compliance with the agreements concluded between the two sides,

Recalling also the endorsement by the Security Council, in its resolution 1515 (2003), of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict[5] and the call in Council resolution 1850 (2008) for the parties to fulfil their obligations under the road map and to refrain from any steps that could undermine confidence or prejudice the outcome of negotiations on a final peace settlement,

Underscoring the demand by the Security Council, most recently in its resolution 2334 (2016), that Israel immediately and completely cease all settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and that it fully respect all its legal obligations in this regard,

Recalling the Arab Peace Initiative, adopted by the Council of the League of Arab States at its fourteenth session, held in Beirut on 27 and 28 March 2002,[6] and stressing its importance in the efforts to achieve a just, lasting and comprehensive peace,

Urging renewed and coordinated efforts by the international community aimed at restoring a political horizon and advancing and accelerating the conclusion of a peace treaty to attain without delay an end to the Israeli occupation that began in 1967

[4] See A/48/486-S/26560, annex.

[5] S/2003/529, annex.

[6] A/56/1026-S/2002/932, annex II, resolution 14/221.

by resolving all outstanding issues, including all core issues, without exception, for a just, lasting and peaceful settlement of the Israeli-Palestinian conflict, in accordance with the internationally recognized basis of the two State solution, and ultimately of the Arab-Israeli conflict as a whole for the realization of a comprehensive peace in the Middle East,

Welcoming, in this regard, all regional and international efforts aimed at promoting meaningful negotiations and achieving a two-State solution based on the pre-1967 borders and on the long-standing terms of reference, as called for in Security Council resolution 2334 (2016),

Taking note of the report of the Quartet of 1 July 2016,[7] and stressing its recommendations as well as all its recent statements, in which, inter alia, grave concerns were expressed that current trends on the ground are steadily eroding the two-State solution and entrenching a one-State reality and in which recommendations were made to reverse those trends in order to advance the two-State solution on the ground and create the conditions for successful final status negotiations,

Reiterating its support for the convening of an international conference in Moscow, as envisioned by the Security Council in its resolution 1850 (2008) and the Quartet statement of 23 September 2011, and stressing the importance of multilateral support and engagement for the advancement and acceleration of peace efforts towards the fulfilment of a just, lasting and comprehensive solution to the question of Palestine,

Noting the important contribution to peace efforts of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, including within the framework of the activities of the Quartet and with regard to the trilateral agreement and recent developments regarding the Gaza Strip,

Welcoming the ongoing efforts of the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians, chaired by Norway, and noting its recent meeting at United Nations Headquarters, on 27 September 2018, and the ongoing efforts to generate sufficient donor support in this critical period for urgently addressing the immense humanitarian, reconstruction and recovery needs in the Gaza Strip, bearing in mind the detailed needs assessment and recovery framework for Gaza developed with the support of the United Nations, the World Bank and the European Union, and furthering Palestinian economic recovery and development,

Recognizing the efforts being undertaken by the Palestinian Government, with international support, to reform, develop and strengthen its institutions and infrastructure, emphasizing the need to preserve and further develop Palestinian institutions and infrastructure, despite the obstacles presented by the ongoing Israeli occupation, and commending in this regard the ongoing efforts to develop the institutions of an independent Palestinian State, including through the implementation of the Palestinian National Policy Agenda: National Priorities, Policies and Policy Interventions (2017–2022),

Expressing concern about the risks posed to the significant achievements made, as confirmed by the positive assessments made by international institutions regarding readiness for statehood, including by the World Bank, the International Monetary Fund, the United Nations and the Ad Hoc Liaison Committee, owing to the negative impact of the current instability and financial crisis being faced by the Palestinian Government and the continued absence of a credible political horizon,

[7] S/2016/595, annex

Recognizing the positive contribution of the United Nations Development Assistance Framework, which is aimed, inter alia, at enhancing development support and assistance to the Palestinian people and strengthening institutional capacity in line with Palestinian national priorities,

Recalling the ministerial meetings of the Conference on Cooperation among East Asian Countries for Palestinian Development convened in Tokyo in February 2013 and Jakarta in March 2014 as a forum for the mobilization of political and economic assistance, including via exchanges of expertise and lessons learned, in support of Palestinian development, and encouraging the expansion of such efforts and support in the light of worsening socioeconomic indicators,

Recognizing the continued efforts and tangible progress made in the Palestinian security sector, noting the continued cooperation that benefits both Palestinians and Israelis, in particular by promoting security and building confidence, and expressing the hope that such progress will be extended to all major population centres,

Recognizing also that security measures alone cannot remedy the tensions, instability and violence, and calling for full respect for international law, including for the protection of civilian life, as well as for the promotion of human security, the de-escalation of the situation, the exercise of restraint, including from provocative actions and rhetoric, and the establishment of a stable environment conducive to the pursuit of peace,

Gravely concerned over the negative developments that have continued to occur in the Occupied Palestinian Territory, including East Jerusalem, including the escalation of violence and excessive use of force, resulting in a large number of deaths and injuries, mostly among Palestinian civilians, including children and women, as well as the continued construction and expansion of settlements and the wall, the arbitrary arrest and detention of Palestinian civilians, the acts of violence, vandalism and brutality committed against Palestinian civilians by Israeli settlers in the West Bank, the widespread destruction of public and private Palestinian property, including religious sites, and infrastructure and the demolition of homes, including if carried out as a means of collective punishment, the internal forced displacement of civilians, especially among the Bedouin community, and the consequent deterioration of the socioeconomic and humanitarian conditions of the Palestinian people,

Deploring the continuing negative repercussions of the conflicts in and around the Gaza Strip and the large number of Palestinian civilian casualties in the recent period, including among children, and any violations of international law, and calling for full respect for the relevant principles of international humanitarian and human rights law, including the principles of legality, distinction, precaution, limitation and proportionality, as well as the need for independent and transparent investigation into the use of force,

Stressing the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to end impunity, ensure justice, deter further violations, protect civilians and promote peace,

Emphasizing the importance of the safety, protection and well-being of all civilians in the whole Middle East region, stressing that Israel must respect the right to peaceful protest, and condemning all acts of violence and terror against civilians on both sides, including the firing of rockets by armed groups against Israeli civilian areas, resulting in loss of life and injury,

Deploring any actions that could provoke violence and endanger lives, and calling upon all actors to ensure that protests remain peaceful,

Expressing grave concern over the persisting disastrous humanitarian situation and socioeconomic conditions in the Gaza Strip as a result of the prolonged Israeli closures and severe economic and movement restrictions that in effect amount to a blockade, bearing in mind numerous United Nations agency reports, including the reports of the United Nations country team, and stressing that the situation is unsustainable and that urgent efforts are required to reverse the de-development trajectory in Gaza and respond adequately and immediately to the immense humanitarian needs of the civilian population,

Recalling the statement of the President of the Security Council of 28 July 2014,[8]

Stressing the need for calm and restraint by the parties, including by consolidating the ceasefire agreement of 26 August 2014, achieved under the auspices of Egypt, to avert the deterioration of the situation,

Reiterating the need for the full implementation by all parties of Security Council resolution 1860 (2009) and General Assembly resolution ES-10/18 of 16 January 2009,

Stressing that a durable ceasefire agreement must lead to a fundamental improvement in the living conditions of the Palestinian people in the Gaza Strip, including through the sustained and regular opening of crossing points, and ensure the safety and well-being of civilians on both sides,

Expressing grave concern about the imprisonment and detention by Israel of thousands of Palestinians, including children, under harsh conditions, and all violations of international humanitarian law and human rights law that have occurred in this regard,

Emphasizing the importance of the safety, protection and well-being of all civilians in the whole Middle East region, and condemning all acts of violence and terror against civilians on both sides, including the firing of rockets,

Stressing the need for measures to be taken to guarantee the safety and protection of the Palestinian civilian population throughout the Occupied Palestinian Territory, consistent with the provisions and obligations of international humanitarian law, and taking note of the report of the Secretary-General on protection of the Palestinian civilian population,[9]

Stressing also the need to respect the right of peaceful assembly,

Emphasizing the need for respect for and the preservation of the territorial integrity and unity of the Occupied Palestinian Territory, including East Jerusalem,

Affirming the need to support the Palestinian Government of national consensus, formed consistent with Palestine Liberation Organization commitments and the Quartet principles, in its assumption of full government responsibilities in both the West Bank and the Gaza Strip, in all fields, as well as through its presence at Gaza's crossing points, welcoming in this regard the efforts of Egypt to facilitate and support Palestinian unity, and taking note of the Quartet statement of 28 September 2017,

Stressing the urgent need for sustained and active international involvement and for concerted initiatives to support the parties in building a climate for peace, to assist the parties in advancing and accelerating direct peace process negotiations for the achievement of a just, lasting and comprehensive peace settlement that ends the

[8] S/PRST/2014/13; see *Resolutions and Decisions of the Security Council, 1 August 2013–31 July 2014* (S/INF/69).

[9] A/ES-10/794.

occupation that began in 1967 and results in the independence of a democratic, contiguous and viable State of Palestine living side by side in peace and security with Israel and its other neighbours, on the basis of relevant United Nations resolutions, the terms of reference of the Madrid Conference, the Quartet road map and the Arab Peace Initiative,

Taking note of the application of Palestine for admission to membership in the United Nations, submitted on 23 September 2011, [10]

Taking note also of its resolution 67/19 of 29 November 2012, by which, inter alia, Palestine was accorded non-member observer State status in the United Nations, and taking note further of the follow-up report of the Secretary-General,[11]

Acknowledging the efforts being undertaken by civil society to promote a peaceful settlement of the question of Palestine,

Recalling the findings by the International Court of Justice, in its advisory opinion, including on the urgent necessity for the United Nations as a whole to redouble its efforts to bring the Israeli-Palestinian conflict, which continues to pose a threat to international peace and security, to a speedy conclusion, thereby establishing a just and lasting peace in the region,[12]

Stressing the urgency of achieving without delay an end to the Israeli occupation that began in 1967,

Affirming once again the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects, and of intensifying all efforts towards that end, and stresses in this regard the urgency of salvaging the prospects for realizing the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders, and making tangible progress towards implementing that solution and justly resolving all final status issues;

2. *Calls for* the full implementation of Security Council resolution 2334 (2016), and stresses, inter alia, the call upon all parties to continue, in the interest of the promotion of peace and security, to exert collective efforts to launch credible negotiations on all final status issues in the Middle East peace process and within the time frame specified by the Quartet in its statement of 21 September 2010;

3. *Calls once more for* the intensification of efforts by the parties, including through negotiations, with the support of the international community, towards the conclusion of a final peace settlement;

4. *Urges* in this regard the intensification and acceleration of renewed international and regional diplomatic efforts and support aimed at achieving, without delay, a comprehensive, just and lasting peace in the Middle East on the basis of the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative,[6] the Quartet road map and an end to the Israeli occupation that began in 1967, and underscores in this regard the importance of the ongoing efforts, including by the European Union, the Russian Federation, the United Nations and the United States of America, as members of the

[10] A/66/371-S/2011/592, annex I.

[11] A/67/738.

[12] A/ES-10/273 and A/ES-10/273/Corr.1, advisory opinion, para. 161.

Quartet, as well as efforts by the League of Arab States, Egypt, France, China and other concerned States and organizations;

5. *Stresses* the need for a resumption of negotiations based on the long-standing terms of reference and clear parameters and within a defined time frame aimed at expediting the realization of a just, lasting and comprehensive settlement;

6. *Calls for* the timely convening of an international conference in Moscow, as envisioned by the Security Council in its resolution 1850 (2008), for the advancement and acceleration of the achievement of a just, lasting and comprehensive peace settlement;

7. *Calls upon* both parties to act responsibly on the basis of international law and their previous agreements and obligations, in both their policies and actions, in order to, with the support of the Quartet and other interested parties, urgently reverse negative trends, including all measures taken on the ground that are contrary to international law, and create the conditions necessary for the launching of a credible political horizon and the advancement of peace efforts;

8. *Calls upon* Israel, the occupying Power, to comply strictly with its obligations under international law, including international humanitarian law, and to cease all of its measures that are contrary to international law and all unilateral actions in the Occupied Palestinian Territory, including East Jerusalem, that are aimed at altering the character, status and demographic composition of the Territory, including the confiscation and de facto annexation of land, and thus at prejudging the final outcome of peace negotiations, with a view to achieving without delay an end to the Israeli occupation that began in 1967;

9. *Stresses* the need, in particular, for an immediate halt to all actions contrary to international law that undermine trust and prejudge final status issues;

10. *Calls upon* the parties to observe calm and restraint and to refrain from provocative actions, incitement and inflammatory rhetoric, especially in areas of religious and cultural sensitivity, including in East Jerusalem, and calls for respect for the historic status quo at the holy places of Jerusalem, including the Haram al-Sharif, in word and in practice, and for immediate and serious efforts to defuse tensions;

11. *Stresses* the need for an immediate and complete cessation of all acts of violence, including military attacks, destruction and acts of terror;

12. *Underscores* the need for the parties to take confidence-building measures aimed at immediately improving the situation on the ground, promoting stability, building trust and fostering the peace process, and stresses the need, in particular, for an immediate halt to all settlement activities and home demolitions, ending violence and incitement and taking measures to address settler violence and ensure accountability, and for the further release of prisoners and an end to arbitrary arrests and detentions;

13. *Stresses* the need for the removal of checkpoints and other obstructions to the movement of persons and goods throughout the Occupied Palestinian Territory, including East Jerusalem, and the need for respect for and preservation of the territorial unity, contiguity and integrity of all the Occupied Palestinian Territory, including East Jerusalem;

14. *Reiterates its demand* for the full implementation of Security Council resolution 1860 (2009);

15. *Reiterates* the need for the full implementation by both parties of the Agreement on Movement and Access and of the Agreed Principles for the Rafah Crossing, of 15 November 2005, and the need, specifically, to allow for the sustained

opening of all crossings into and out of the Gaza Strip for humanitarian supplies, movement and access of persons and goods, as well as for commercial flows, including exports, and economic recovery;

16. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions, including resolution 2334 (2016), and for the consideration of measures of accountability, in accordance with international law, including without limitation in relation to the continued non-compliance with the demands for a complete and immediate cessation of all settlement activities, and stresses that compliance with and respect for international humanitarian law and international human rights law is a cornerstone of peace and security in the region;

17. *Underscores* in this regard the affirmation by the Security Council in its resolution 2334 (2016) that it will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations, and its call upon States to distinguish in their relevant dealings between the territory of the State of Israel and the territories occupied since 1967, as well as its determination to examine practical ways and means to secure the full implementation of its relevant resolutions;

18. *Reiterates* the need for Israel forthwith to abide by its road map obligation to freeze all settlement activity, including so-called "natural growth", and to dismantle settlement outposts erected since March 2001;

19. *Calls for* the cessation of all provocations, including by Israeli settlers, in East Jerusalem, including in and around religious sites;

20. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice[2] and as demanded in the relevant General Assembly resolutions;

21. *Reaffirms its commitment*, in accordance with international law, to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders;

22. *Calls for*:

(a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including East Jerusalem;

(b) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the right to their independent State;

23. *Stresses* the need for a just resolution of the problem of Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948;

24. *Calls upon* all States, consistent with their obligations under the Charter of the United Nations and relevant Security Council resolutions, inter alia:

(a) Not to recognize any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties through negotiations;

(b) To distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967;

(c) Not to render aid or assistance to illegal settlement activities, including not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories, in line with Security Council resolution 465 (1980);

25. *Urges* Member States and the United Nations to continue and expedite the provision of economic, humanitarian and technical assistance to the Palestinian people and the Palestinian Government during this critical period in order to help to alleviate the serious humanitarian situation in the Occupied Palestinian Territory, including East Jerusalem, which is dire in the Gaza Strip, to rehabilitate the Palestinian economy and infrastructure and to support the development and strengthening of Palestinian institutions and Palestinian State-building efforts in preparation for independence;

26. *Requests* the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, including with regard to the reporting required pursuant to resolution 2334 (2016), towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region and to submit to the General Assembly at its seventy-fourth session a report on these efforts and on developments on this matter.